

**REMARKS**

Claims 1-24 are pending in the application, and the claims have not been amended. Favorable reconsideration of the application is respectfully requested in view of the following remarks.

**I. REJECTION OF CLAIMS UNDER 35 U.S.C. § 102(b)**

**A. Overview of the Claimed Invention**

The claimed invention pertains to a system and method for selecting and controlling the execution of a scheduled recording of a broadcasted program. The invention is suitable, for example, for selecting a program using a device, such as a PC or mobile device, remote from the recording device.

As described in the application, conventional techniques require an appliance that can set up a listing of programs, from which a user must select a program for recording. The need to provide a program listing is deficient in that the listing capability can be burdensome to provide in a particular apparatus, and it is difficult to adjust a recording request to meet any changes to a scheduled broadcast.

Applicant's system, in contrast, permits a more real-time recording command using program information independent of compiling a program list. (See, e.g., Application at page 7, lines 12-19; page 9, lines 14-20.)

In Applicant's system, a data processing apparatus, such as a video program recording device, outputs a command based on a user operation that contains information for identifying a program to be recorded. The command is outputted from an interface to a control section, which in turn transmits a search request to a server based on the command. The control section receives from the server a parameter for the program (e.g., title, recording period, etc.), and a recording section records the received parameter and the program to be recorded to a recording medium in a manner such that the parameter and program are associated with each other. The program recording is thus scheduled, and the program then may be recorded at the appropriate time. (See, e.g., Application at page 35, line 17 to page 43, lines 9.)

The above features substantively are recited in the independent claims. For example, independent claim 1 recites a data processing apparatus including:

an interfacing section for outputting a command on a program to be recorded based on the user operation;

a control section for transmitting the search request to the server and receiving a parameter that has been extracted by the server; and

a recording section for recording the received parameter and the program to be recorded on a storage medium so that the parameter and the program are associated with each other.

Comparable features are recited in independent claims 10, 23, and 24. The dependent claims largely recite variations in the specific parameters being employed. In this manner, a user may request a recording without having to select a program from a particular program list. An advantage is that remote scheduling of a recording, such as from a PC or other device remote from the recorder, is enhanced because there is no need to provide a listing capability.

As further explained below, the reference cited by the Examiner does not disclose or suggest such features.

#### **B. Deficiencies of Tomita**

Claims 1-24 stand rejected pursuant to 35 U.S.C. § 102(b) as being anticipated by Tomita et al., U.S. Patent No. 6,732,372 (Tomita). The Examiner principally relies on the embodiment of Tomita depicted in Figs. 16(b) and 18. (See Tomita at col. 13, line 11 to col. 14, line 25.) In this embodiment, a user can enter categorical search criteria, from which a list of programs meeting the search criteria is generated. A program can then be selected from the list for viewing and/or recording.

At the outset, the system of Tomita exemplifies a type of conventional configuration described in the current application. Although the generated list, being based on search criteria, may be more targeted toward the user's ultimate program selection, the program selection still must be made from the list. Such a system,

therefore, in still utilizing a list, suffers from the same deficiencies as the alternative conventional system that provides a list which is not based on search criteria. (See Application at page 5, lines 1-11.)

Regarding Tomita, the Examiner states: "Fig. 16b shows the received parameter/category that is used to store for tagging and efficient recording purposes." (Office Action at the top of page 3.) This statement is somewhat unclear and does not include a citation to any specific passage of Tomita. In any event, as stated above, Fig. 16(b) merely discloses a method for generating a categorical program list. The list does not result in any scheduling of a recording. Rather, a user still must select a program from the list consistent with the conventional system described in the current application.

It may be the Examiner is equating the received list, based on the categorical search, to the claimed received parameter based on the search transmitted to the server. If so, Applicant disputes this interpretation because Tomita does not disclose the claim features of "a recording section for recording the received parameter and the program to be recorded on a storage medium so that the parameter and the program are associated with each other." The purported received parameter of Tomita (i.e., the categorical list) is not recorded and not associated with a program to be recorded. Rather, as stated above, the categorical list of Tomita merely provides an opportunity for the user to select a program from the list as is conventional (whether for viewing, recording, or otherwise).

The system of Tomita, therefore, lacks features of the claimed invention as recited in independent claims 1, 10, 23, and 24 pertaining to the manner by which a program is selected for recording. Accordingly, Tomita does not anticipate claims 1-24, and the rejections should be withdrawn.

## ***II. CONCLUSION***

For the foregoing reasons, claims 1-24 are allowable and the application is believed to be in condition for allowance. A prompt action to such end is earnestly solicited.

Should the Examiner feel that a telephone interview would be helpful to facilitate favorable prosecution of the above-identified application, the Examiner is invited to contact the undersigned at the telephone number provided below.

Should a petition for an extension of time be necessary for the timely reply to the outstanding Office Action (or if such a petition has been made and an additional extension is necessary), petition is hereby made and the Commissioner is authorized to charge any fees (including additional claim fees) to Deposit Account No. 18-0988, Docket No. OKUDP0111US.

Respectfully submitted,

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